

### REMARKS

Applicant has requested amendment of claims 1 and 11 as set forth above to recite that, in one of the steps performed in order to determine a capture threshold, the pacing pulse energy is lowered or raised by a specified amount if capture was present or absent, respectively, during the preceding capture verification test. Before this amendment, claims 1 and 11 recited that the pacing pulse energy was raised or lowered by a specified amount if capture was present or absent, respectively. Applicant believes that the requested amendments to claim 1 and 11 are necessary in order for the claims to state operable embodiments of the invention and that the amendments are supported by the specification as filed. At page 10, lines 10-17 of the specification, an embodiment of a method for determining the capture threshold is described which involves manipulation of the pacing voltage where it is stated that the pacing voltage is raised or lowered by a specified amount if capture was present or absent, respectively. It is well-known in the art that the heart should be stimulated by cathodic (i.e., negative) pacing pulses which cause depolarization of the heart muscle cell membranes. (See also U.S. Patent No. 5,843,136, incorporated by reference in the present application, and the references cited therein.) Thus, raising the pacing voltage decreases the amplitude of the negative pacing pulse, while lowering the pacing voltage increases the amplitude of the negative pacing pulse. At page 10, lines 18-19, the specification states that the threshold determination method may be performed by adjusting the pulse amplitude and/or the pacing pulse width. At page 2, lines 10-11, it is stated that the pacing pulse energy is a function of the pulse amplitude and width. Applicant has claimed in the present application, in terms of a method and apparatus, a capture threshold determination procedure involving adjustment of the pacing pulse energy. Applicant believes that it would be readily apparent to one of ordinary skill in the art that, in performing the capture threshold determination procedure as described in the specification, the

**PRELIMINARY AMENDMENT**

Serial Number: 10/646,476

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Title: SYSTEM AND METHOD FOR VERIFYING CAPTURE IN A MULTI-SITE PACEMAKER

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pacing pulse energy would be lowered or raised by a specified amount if capture was present or absent, respectively, during the preceding capture verification test.

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully Submitted,

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By

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CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelop addressed to: Commissioner for Patents, MS: RCE, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of July 2004.

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